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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,309	12/01/2003	Rong Chang	YOR920030495US1 (8278-663)	2921
46069 7590 03/30/2007 F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			EXAMINER NGUYEN, QUYNH H	
			ART UNIT 2614	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/30/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/725,309

Applicant(s)

CHANG ET AL.

Examiner

Quynh H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                       |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 12/1/03, 5/11/05, and 6/9/06 were received. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-12, 14, 19, 26-33, 35, 39, 43-50, 52, and 56 are rejected under 35 U.S.C. 102(e) as being anticipated by Phillips et al. (U.S. Patent Pub. 2004/0176085).

As to claims 1, 26, and 43, Phillips et al. teaches a communications system comprising:

a plurality of service providers ([0006]; [0029]); and  
at least one management unit (network interface device, control point, or distribution point ), wherein the at least one management unit selects at least one service provider of the plurality of service providers and utilizes at least one service of

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the at least one service provider to provide a communication session to at least one end user ([0013]; [0016]; [0111] - *where Phillips discussed the distribution point or management unit received the request from a customer and forward the requests to the appropriate telecommunication information provider / service provider or selecting a service provider of the plurality of service providers to provide or transmit a responsive to the request or a communication session to the demarcation device and to the customer premise or end user*).

As to claims 2, 27, and 44, Phillips et al. teaches the communication session is a VOIP session including at least one of a conference call and a point-to-point call ([0006]; [0035]).

As to claims 3 and 4, Phillips et al. teaches the at least one end user contacts the at least one management unit through an access network includes at least one of a wireless LAN, a LAN, the Internet, a cable network, a cable gateway, a telephone company network, a public switched telephone network, a wireless network and a wireless gateway ([0059]).

As to claims 5, 28, and 45, Phillips et al. teaches a signaling protocol of the communications system is session initiation protocol ([0029]).

As to claims 6, 29, and 46, Phillips et al. teaches each service provider of the plurality of service providers is capable of providing at least one VoIP service ([0029]; [0094]; [0101]).

As to claims 7-8, 30-31, and 47-48, Phillips et al. teaches services of each service provider of the plurality of service providers are divided into service segments

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based on a predetermined criterion includes at least one of service location, service type, service duration, service timing and service quality ([0018]).

As to claims 9-12, 32-33, and 49-50, Phillips et al. teaches at least one management unit virtualizes services of at least one service provider of the plurality of service providers according to at least one service level agreement that is at least one of: between service provider and other service provider, between management unit and service provider, and between management unit and other management unit ([0044]; [0047]; [0053]; [0057] - *where Phillips discussed service level agreement between management unit and service provider such as pay-per-view movie or Internet access, security access control/level*).

As to claims 14, 35, and 52, Phillips et al. teaches at least one management unit includes an authorization unit for at least one of identifying the at least one end user, determining rights of the at least one end user to request the communication session ([0055]; [0057]), and triggering a billing process ([0102]).

As to claims 19, 39, and 56, Phillips et al. teaches the management unit includes a database unit for storing at least one of service level agreement information, and session performance information ([0042] - *where Phillips discussed distribution point (management unit) can be a service provider local office, hence the management unit includes a database*).

***Claim Rejections - 35 USC § 103***

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13, 34, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips et al. (U.S. Patent Pub. 2004/0176085).

As to claims 13, 34, and 51, Phillips et al. does not explicitly teach each service provider of the plurality of service providers is capable of providing at least one service for the communication session without knowledge of the communication session. It would have been obvious to one of ordinary skill in the art at the time the invention was made that each service provider would be capable of providing at least a voice call over analog line. This is the simplest feature that every household would have.

6. Claims 15-18, 20-25, 36-38, 40-41, 53-55, and 57-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips et al. (U.S. Patent Pub. 2004/0176085) in view of LeBlanc et al. (US Patent Pub 2004/0170164).

As to claims 15, 36, and 53, Phillips et al. teaches selecting at least one service provider, ([0013]; [0016]; [0111]) - *where Phillips discussed the distribution point or management unit received the request from a customer and forward the requests to the appropriate telecommunication information provider / service provider or selecting a service provider of the plurality of service providers to provide or transmit a responsive to the request or a communication session to the demarcation device and to the*

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*customer premise or end user*). However, Phillips et al. does not explicitly teach at least one management unit includes a calculation unit for calculating an optimal voice path.

LeBlanc et al. teaches a method for operating a packet voice transceiver by calculating an element of the packet voice transceiver for transmitting based on the voice quality metric ([0012]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of LeBlanc into the teachings of Phillips for the purpose of using the calculated voice quality metric to diagnose problems within the network, and take corrective action to minimize or eliminate the impairments, as discussed by LeBlanc ([0009]).

Claims 16, 37, and 54 are rejected for the same reasons as discussed above with respect to claims 9 and 15.

As to claims 17 and 57, LeBlanc et al. teaches the session performance information includes at least one of voice quality information ([0057]), communication link status information and resource status information.

Claims 18, 38, and 55 are rejected for the same reasons as discussed above with respect to claim 9. Furthermore, LeBlanc et al. teaches measuring voice quality for the communication session ([0057]).

As to claim 20, LeBlanc et al. teaches setting up an optimal voice path ([0012]).

As to claims 21, 41, and 59 Phillips et al. teaches at least one service provider includes at least one access point accessible user at least one service level agreement ([0044]; [0047]; [0053]; [0057] - *where Phillips discussed service level agreement*

*between management unit and service provider such as pay-per-view movie or Internet access, security access control/level).*

As to claims 22-23, 42, and 60, Phillips and LeBlanc do not teach the optimal voice path includes at least one linear branch including at least one service provider or at least one service provider connected with at least one other service provider of the plurality of service providers; communicating between one management unit and other management unit. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the above mentioned feature into the teachings of Phillips and LeBlanc for the purpose of having a more efficient system when selecting service from different service providers.

Claims 24 and 25 are rejected for the same reasons as discussed above with respect to claims 15, 18, and 20.

As to claims 40 and 58, Phillips et al. teach the steps of establishing a first, second, and third connections between the service provider and a server for managing the communication, other service provider, other server ([0018]).

### **Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lund (US Patent Pub 2004/0252675) teaches method and apparatus for providing broadband access conferencing services.



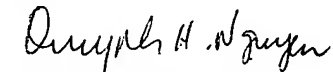
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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

qhn



Quynh H. Nguyen  
March 29, 2007